

## Appendix A

# Consultation and Coordination

This appendix contains a summary of correspondence and consultation pertinent to this Supplemental EIS and its preparation. The contents are listed in chronological order.

Date	From	To	Regarding
September 16, 1999	Utah Department of Transportation	Utah Division of Parks and Recreation	Agreement for Section 4(f) and 6(f) Land Exchange
June 22, 2000	Federal Highway Administration	State Historic Preservation Office	Section 106 Memorandum of Agreement Regarding Legacy Parkway Project
February 21, 2001	Christopher Lizotte (Utah Department of Transportation)	Barbara L. Murphy (State Historic Preservation Office)	Submission of ILS Documentation for 650 West State Street, Farmington
March 8, 2001	Barbara L. Murphy (State Historic Preservation Office)	Christopher Lizotte (Department of Transportation)	ILS Documentation for 650 West State Street, Farmington
September 20, 2001	Christopher Lizotte (Utah Department of Transportation)	Barbara Murphy (State Historic Preservation Office)	Legacy Parkway Haul Routes for Construction
October 19, 2001	Barbara Murphy (State Historic Preservation Office)	Christopher Lizotte (Utah Department of Transportation)	Legacy Parkway Haul Routes for Construction
August 9, 2002	Byron Parker (Utah Department of Transportation)	Max Forbush (Farmington City)	Roundabout at Intersection of 650 West and State Street, Equestrian Trail Termination at 650 West
August 30, 2002	David Connors (Farmington City)	Byron Parker (Utah Department of Transportation)	Roundabout at Intersection of 650 West and State Street
January 24, 2003	David Gibbs (Federal Highway Administration) and Brooks Carter (U.S. Army Corps of Engineers)	Robert Roberts (Environmental Protection Agency) Lee Waddleton (Federal Transit Administration) Ralph Morgenweck (U.S. Fish and Wildlife Service)	February 21, 2003, Meeting Invitation and Cooperating Agency Request

Date	From	To	Regarding
April 11, 2003	Nancy Kang (U.S. Army Corps of Engineers)	See List of Recipients following letter	Invitation to Participate in Environmental Scoping Process
April 17, 2003	Chadwick Greenhalgh (Clark Lane Historic District)	Federal Highway Administration	Request for Review of Potential Construction Effects on Historic District
May 2, 2003	Henry Maddux (U.S. Fish and Wildlife Service)	Greg Punske (Federal Highway Administration)	Comments on Notice of Intent
May 20, 2003	Mary Henry (U.S. Fish and Wildlife Service)	David Gibbs (Federal Highway Administration)	Acceptance of Invitation to Be a Cooperating Agency
June 10, 2003	Leon Bear, THPO Skull Valley Band of Goshute Indians	Greg Punske, (Federal Highway Administration)	Scoping Comments
June 13, 2003	Nancy Kang (U.S. Army Corps of Engineers)	See List of Local Government Recipients (following letter)	Participation Opportunities in Preparation of Supplemental Environmental Impact Statement
June 13, 2003	Nancy Kang (U.S. Army Corps of Engineers)	See List of Recipients (following letter)	Participation Opportunities in Preparation of Supplemental Environmental Impact Statement
October 2, 2003	Nancy Kang (U.S. Army Corps of Engineers)	Nancy Keate (Utah Department of Natural Resources)	Review of Revised Wetland Section
November 18, 2003	Mike Perkins (Legacy Parkway Team)	Field Supervisor (U.S. Fish and Wildlife Service)	Environmental Re-Evaluation of Final Environmental Impact Statement
December 3, 2003	Henry Maddux (U.S. Fish and Wildlife Service)	Mike Perkins (Legacy Parkway Team)	Environmental Re-Evaluation of Final Environmental Impact Statement
July 15, 2004	Utah Department of Transportation and Utah Transit Authority		Weber County to Salt Lake City Commuter Rail Project Partnering Charter
September 23, 2004	Mark W. Franc (Bountiful City Engineering Department)	John Thomas (Utah Department of Transportation)	Bountiful Recreation Pond South of Bountiful Sanitary Landfill
November 3, 2004	Federal Highway Administration and Utah Department of Transportation	Wilson Martin (State Historic Preservation Office)	Determination of Eligibility and Finding of Effect for Legacy Parkway
November 4, 2004	Ray Grow (Natural Resources Conservation Service)	Laynee Jones (Legacy Parkway Team)	Farmland Conversion Impact Rating for Corridor Type Projects

Date	From	To	Regarding
November 8, 2004	Nancy Kang (U.S. Army Corps of Engineers)	John Thomas (Utah Department of Transportation)	Reverification of Wetland Delineation
August 5, 2005	Charles W. Chappell (Wasatch Front Regional Council)	Greg Punske (Federal Highway Administration)	Position on Smart Mobility Land Use Reallocation
August 10, 2005	Jeffrey Berna (Federal Highway Administration)	Wilson Martin (State Historic Preservation Office)	Final Memorandum of Agreement Regarding the Legacy Parkway Project

Appendix A

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## AGREEMENT

THE UNDERSIGNED hereby agree to the following:

UTAH DEPARTMENT OF TRANSPORTATION (UDOT) has taken possession of the following described property which it acquired for exchange of land owned by the Utah Division of Parks and Recreation (DPR) further identified as the "Jordan River OHV Park" located between I-215 and the Jordan River, approximately 2600 North Rosepark Lane, Salt Lake City, Salt Lake County, Utah.

The legal description of the "UDOT parcel(s)" are attached to and made part of this Agreement and identified as Parcel No. 0067:1B and 0067:1D.

It is understood and agreed that "DPR" will transfer title to "UDOT" those certain lands identified by the Utah Department of Transportation under the "Legacy Parkway" project as needed for right of way from the area of the "Jordan River OHV Park," identified as 4F and 6F properties. Said exchange will take place when the following conditions are met: 1) A "Record of Decision" (ROD) is received from the Federal Highway Administration which (a) approves an alignment which would require the acquisition of the property subject to this agreement.

It is understood and agreed that said exchange will be based upon acreage for acreage. Excess land remaining, if any, from the parcel 1B/1D exchange will be acquired by "DPR" at the purchase price "UDOT" paid of \$14,000 per acre, provided that the exchange occurs within the 5 year time frame contemplated under this agreement, and/or exchanged for certain parcels of land identified and agreed upon by both parties to this agreement. Transfer of titles between said parties will be by "Quit Claim Deed."

It is understood and agreed that if the conditions for acquisition are not met within 5 years from the date this agreement is signed, the "DPR" agrees to acquire the properties at the current "Fair Market Value" at time of transfer of title, and/or exchange for certain parcels of lands identified and agreed upon by both parties to this agreement. Said exchange will be based upon "value for value" at the "current fair market value," at time of transfer of title.

"UDOT" agrees to allow the "DPR" to lease parcel 0067:1B and 0067:1D for \$1.00 per year, commencing at the date this agreement is signed. Said "DPR" agrees not to sublease, encumber or to construct permanent structures or change the characteristic of the property without the written permission of UDOT.

Witness the hands of said UNDERSIGNED DATED this 16<sup>th</sup> day of SEPT 1999

Courtland Nelson  
Utah Division of Parks and Recreation (DPR)

STATE OF UTAH )  
 ) ss.  
COUNTY OF SL )

On the date first above written personally appeared before me.

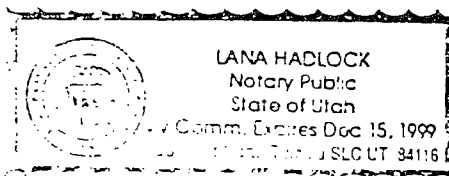
COURTLAND NELSON signer of the within instrument, who duly acknowledge to me that he executed the same.

Lana Hadlock  
NOTARY PUBLIC

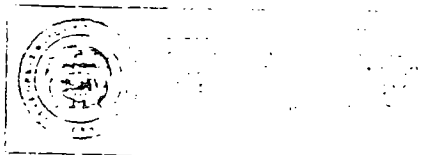
Residing at: SALT LAKE CITY

\*\*\*\*\*

[Signature]  
Utah Department of Transportation (UDOT)



STATE OF UTAH )  
 ) ss.  
COUNTY OF SL )



On the date first above written personally appeared before me.

LYLE MC MILLAN signer of the within instrument, who duly acknowledge to me that he executed the same.

David H. Brown  
NOTARY PUBLIC

Residing at: SALT LAKE CITY

Salt Lake County

Parcel No. 0067:1B:T  
Project No. SP-0067( 10

in Salt Lake County, State of Utah, to-wit:

An undivided 58.45% interest in two tracts of land in fee, being all of an entire tract of property situate in the NW~~1~~SW~~4~~ and the W~~1~~NW~~4~~ of Section 15, T. 1 N., R. 1 W., S.L.B & M. The boundaries of said tracts of land are described as follows:

Beginning at a Northwest corner of said entire tract, which point is 19.970 m (65.52 ft.) S 0°33'38" E and 129.378 m (424.47 ft.) N 89°26'22" E from the West Quarter corner of said Section 15; running thence S 85°45'40" E 167.286 m (548.94 ft.) along a northerly boundary line of said entire tract; thence S 11°45'49" W 93.574 m (307.00 ft.) along a southeasterly boundary line of said entire tract; thence N 89°45'49" E 37.490 m (123.00 ft.) along a northerly boundary line of said entire tract; thence S 38°42'49" W 5.624 m (18.45 ft.) along a southeasterly boundary line of said entire tract; thence S 55°38'54" E 11.677 m (38.31 ft.) along a northeasterly boundary line of said entire tract to the east bank of the original Jordan River, also being the easterly boundary line of said entire tract; thence along said easterly boundary line the following four (4) courses and distances: (1) S 40°19'42" W 213.028 m (698.91 ft.); thence (2) S 17°40'52" W 58.500 m (191.93 ft.); thence (3) S 0°46'35" E 62.478 m (204.98 ft.); thence (4) S 8°35'36" E 8.544m (28.03 ft.); thence S 87°30'00" W 96.707 m (317.28 ft.) along the southerly boundary line of said entire tract to an easterly right of way fence line of the existing frontage road of record; thence along said easterly right of way fence line the following three (3) courses and distances: (1) N 7°10'48" W 21.211 m (69.59 ft.); thence (2) N 4°32'07" E 62.981 m (206.63 ft.); (3) N 15°30'22" E 323.984 m (1,062.94 ft.) to the point of beginning. The above described tract of land contains 51,070.9 square meters (12.62 acres), more or less.

PAGE 2

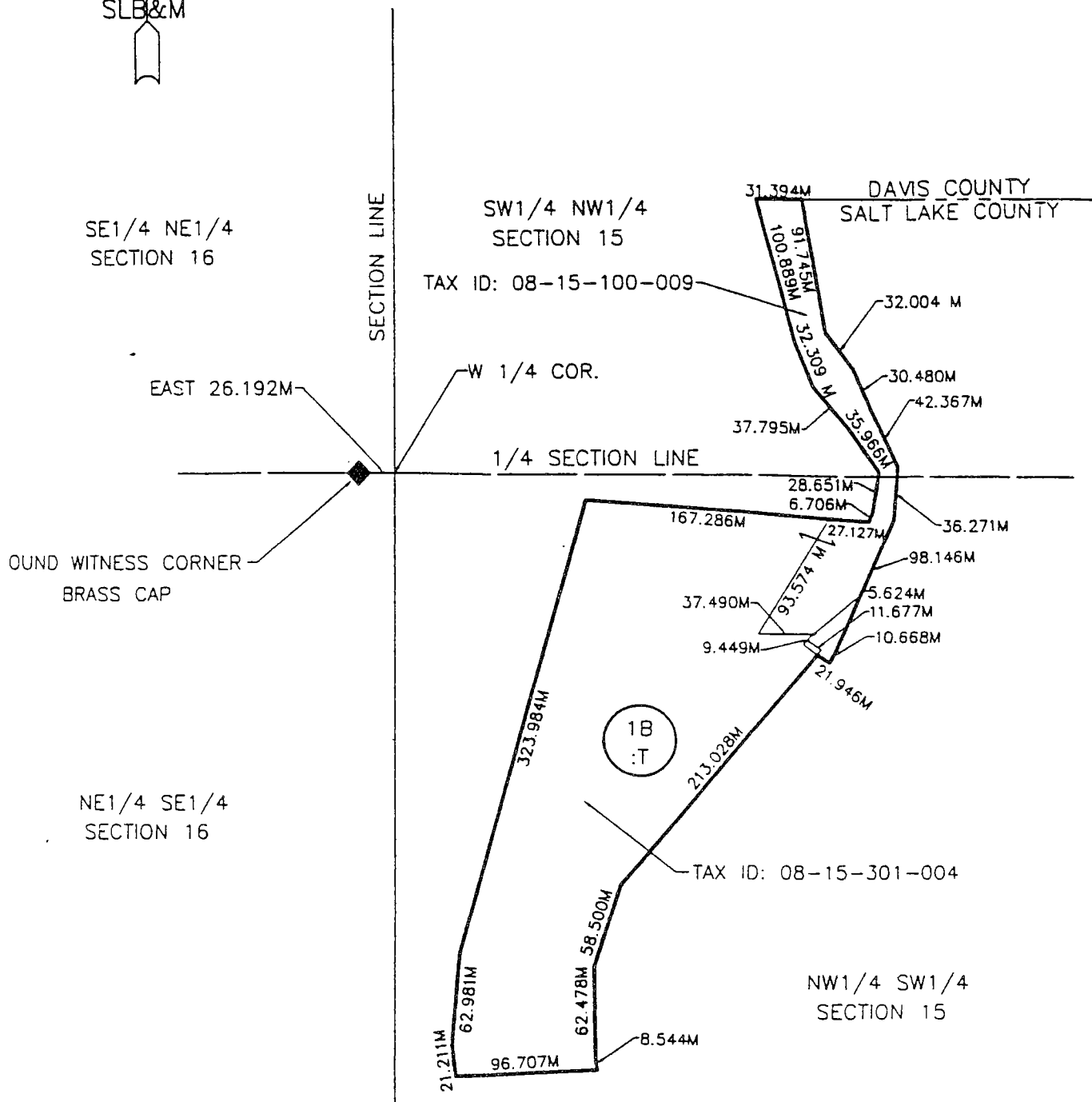
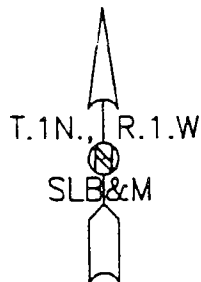
Parcel No. 0067:1B:T  
Project No. SP-0067( )0

ALSO:

Beginning at a northwest corner of said entire tract at a point 268.834 m (882 ft.) east and 168.554 m (553 ft.) north (by record, but measures 246.5 m (808.73 ft.) east and 186.2 m (610.85 ft.) north) from said West Quarter corner of Section 15; running thence along a westerly boundary line of said entire tract the following six (6) courses: (1) S 15°07' E 100.889 m (331 ft.); thence (2) S 22°20' E 32.309 m (106 ft.); thence (3) S 40°49' E 37.795 m (124 ft.); thence (4) S 35°40' E 35.966 m (118 ft.); thence (5) S 8°40' W 28.651 m (94 ft.); thence (6) S 26°56' W 6.706 m (22 ft.); thence N 85°30' W 27.127 m (89 ft.) along a northerly boundary line of said entire tract; thence S 32° W 93.574 m (307 ft.) along a northwesterly boundary line of said entire tract; thence East 37.490 m (123 ft.) along a south boundary line of said entire tract; thence S 38°57' W 9.449 m (31 ft.), more or less, along a northwesterly boundary line of said entire tract; thence S 54° E 21.946 m (72 ft.) to an easterly boundary line of said tract; thence along said easterly boundary line the following seven (7) courses: (1) N 28°01' E 10.668 m (35 ft.); thence (2) N 24°02' E 98.146 m (322 ft.); thence (3) N 4°29' E 36.271 m (119 ft.); thence (4) N 25°40' W 42.367 m (139 ft.); thence (5) N 23°58' W 30.480 m (100 ft.); thence (6) N 37°16' W 32.004 m (105 ft.); thence (7) N 9°48' W 91.745 m (301 ft.), more or less, to a north boundary line of said entire tract; thence West 31.394 m (103 ft.), more or less, along said north boundary line to the point of beginning. The above described tract of land contains 9,712.4 square meters (2.40 acres), more or less.

Both tracts of land contain a total of 60,783.3 square meters (15.02 acres), more or less.

Property 0067:1B  
Project No. SP-0067( )0  
West Davis Highway



WNER: LAWRY J. BOWDEN, 58.45%; CHRIS J. BOWDEN, 13.85%

WNER: JAMES J. BOWDEN, 13.85%; NANCY BOWDEN REGIER, 13.85%.

CEL NO.	NET SQ. m	SQ. FT.	ACRES	EXIST. R/W SQ. m IN DEED	OWNERSHIP SQ. m	REMAINING SQ. m	
						LEFT	RIGHT
7:1B:T	60,783.3	654,271.2	15.02	NONE	60,783.3	NONE	NONE

Davis County

Parcel No. 0067:1D:T  
Project No. SP-0067( 10

in Davis County, State of Utah, to-wit:

An undivided 58.45% interest in a tract of land in fee, being all of an entire tract of property situate in the SW~~1~~4NW~~4~~ of Section 15, T. 1 N., R. 1 W., S.L.B & M. The boundaries of said tract of land are described as follows:

Beginning in the south line of Davis County at the southwest corner of said entire tract at a point 3.048 (10 ft.) east of a county boundary monument. Said point of beginning is also 268.834 m (882 ft.) east and 168.554 m (553 ft.) north (by record, but measures 246.5 m (808.73 ft.) east and 186.2 m (610.85 ft.) north) from the West Quarter corner of said Section 15; running thence along the westerly boundary line of said entire tract, and along the west bank of the abandoned Jordan River channel the following four (4) courses and distances: (1) N 11°07' W 57.912 m (190 ft.); thence (2) N 5°25' W 55.474 m (182 ft.); thence (3) N 6°14' W 48.768 m (160 ft.); thence (4) N 11°15' W 42.062 m (138 ft.), more or less, to the north boundary fence line of said entire tract, adjoining the Clyde S. Hill, et.al., property; thence East 16.764 m (55 ft.) along said north boundary fence line to the easterly boundary line of said entire tract, which is the east bank of said abandoned Jordan River channel; thence along said easterly boundary line and east bank the following five (5) courses and distances: (1) S 9°29' E 39.624 m (130 ft.); thence (2) S 15°59' E 50.597 m (166 ft.); thence (3) S 6°41' E 54.864 m (180 ft.); thence (4) S 17°31' E 55.169 m (181 ft.); thence (5) S 9°48' E 7.010 m (23 ft.), more or less, to said county line; thence West 31.394 m (103 ft.) along said county line to the point of beginning. The above described tract of land contains 4,653.8 square meters (1.15 acres), more or less.

Together with any and all water rights appurtenant to the above described tract of land.

Property 0067:1D  
 Project No. SP-0067( )0  
 West Davis Highway

T.1N., R.1.W

SLB&M

NE1/4 NE1/4  
 SECTION 16

NW1/4 NW1/4  
 SECTION 15

40 ACRE LINE

SE1/4 NE1/4  
 SECTION 16

SW1/4 NW1/4  
 SECTION 15

SECTION LINE

1D  
 :T

16.764M

39.624M  
 42.062M

TAX ID 01-123-005

50.597M  
 48.768M

54.864M  
 55.474M

57.912M  
 55.169M

7.010M

31.394M

DAVIS COUNTY  
 SALT LAKE COUNTY

EAST 26.192M

FOUND WITNESS CORNER  
 BRASS CAP

1/4 SECTION LINE

NE1/4 SE1/4  
 SECTION 16

NW1/4 SW1/4  
 SECTION 15

OWNER: LAWRY J. BOWDEN, 58.45%; CHRIS J. BOWDEN, 13.85%; JAMES J. BOWDEN, 13.85%;  
 OWNER: NANCY BOWDEN REGIER, 13.85%.

ARCEL NO.	NET SQ. m	SQ. FT.	ACRES	EXIST. R/W SQ. m IN DEED	OWNERSHIP SQ. m	REMAINING SQ. m	
						LEFT	RIGHT
367:1:D	4,653.8	50,094.0	1.15	NONE	4,653.8	NONE	NONE





Appendix O  
**Section 106 Memorandum of Agreement  
Regarding the Legacy Parkway Project**

Signers:

Advisory Council on Historic Preservation  
Federal Highways Administration  
Utah State Historic Preservation Officer  
Utah Department of Transportation  
Utah Division of Indian Affairs

Tribal Concurrence:

The Northwest Band of Shoshoni of Idaho and Utah  
The Shoshone Bannock Tribes of Idaho  
The Ute Indian Tribe (of the Uintah-Ouray Agency)  
Confederated Tribes of the Goshute (Ibapah)  
Skull Valley Goshute Tribe

# Advisory Council On Historic Preservation

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The Old Post Office Building  
1100 Pennsylvania Avenue, NW, #809  
Washington, DC 20004

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JUN 21 2000

Mr. David C. Gibbs, P.E.  
Division Administrator  
Federal Highway Administration  
2520 West 4700 South, Suite 9A  
Salt Lake City, UT 84118-1847

REF: Legacy Parkway  
Project No. SP-0067()  
Davis and Salt Lake Counties, Utah


Dear Mr. Gibbs:

Enclosed are your copies of the fully executed Memorandum of Agreement for the referenced project. By carrying out the terms of the Agreement, you will have fulfilled your responsibilities under Section 106 of the National Historic Preservation Act and the Council's regulations for this project. We recommend that you also provide a copy of the fully-executed agreement to the Utah State Historic Preservation Officer, the Utah Department of Transportation, the Utah Division of Indian Affairs, the Northwest Band of Shoshoni, the Shoshone Bannock Tribe, the Ute Indian Tribe, the Confederated Tribes of the Goshute, and the Skull Valley Goshute Tribe. We have retained an original version of the agreement in this office where it will remain on file.

Should you have need to discuss this matter further, you may contact MaryAnn Naber at (202) 606-8534. We appreciate your cooperation.

Sincerely,



 Don L. Klima  
Director  
Office of Program Review

Enclosure

## MEMORANDUM OF AGREEMENT REGARDING THE LEGACY PARKWAY PROJECT

**WHEREAS**, the Federal Highway Administration Utah Division has determined that the Legacy Parkway Project between the I-215 Interchange, northern Salt Lake County, Utah and Burton Lane north of Farmington, Davis County, Utah (hereinafter called the Project) will have an effect upon **42DV2, 42DV70, and 10N 650 W. Clark Lane Farmington, Utah** properties included in or eligible for inclusion in, the National Register of Historic Places, and has consulted with the Utah State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and Section 4(f) of the Department of Transportation Act of 1966 (23 CFR 771.135); and

**WHEREAS**, the Project constitutes a federal action and requires compliance under federal statutory requirements; and the Federal Highway Administration, Utah Division (hereinafter called the FHWA) is the lead Federal Agency, will carry out the terms of this agreement (hereinafter called Agreement); and

**WHEREAS**, the Utah Department of Transportation (UDOT) is the agency coordinating this project, and has participated in the consultation, and been invited to concur in this Memorandum of Agreement (MOA); and

**WHEREAS**, the FHWA and UDOT recognize that the Shoshone Bannock Tribes of Idaho are a sovereign government located outside the exterior boundaries of the State of Utah, and that technical and government to government consultation will be directly with the Shoshone Bannock Tribes of Idaho ; and

**WHEREAS**, the Project is large and complex, with a potential for the discovery of additional properties eligible for inclusion in, the National Register of Historic Places, the UDOT intends to use the provisions of this Agreement to address all activities that may result in impacts to both known and inadvertently discovered historic properties; and

**WHEREAS**, the Project area of potential effect (hereinafter called APE) for this undertaking includes all lands subject to project activities or activities directly funded by the Project as delineated in Appendix A.

**WHEREAS**, All areas within the APE were surveyed for cultural resources as detailed in *A Cultural Resources Inventory of the proposed Legacy/West Davis Highway in Davis and Salt Lake Counties Utah (Colman and Colman 1998)*; and

**WHEREAS**, the Northwest Band of Shoshone of Idaho and Utah the, the Ute Indian Tribe of the Uintah-Ouray, Utah, Confederated Tribes of the Goshute (Ibapah), Utah, the Skull Valley Goshute Tribe and the Shoshone Bannock Tribes of Idaho (hereafter called Tribes) participated in the technical coordination and consultation and have been invited to concur in this Memorandum of Agreement; and

**WHEREAS**, the Utah Division of Indian Affairs (DIA) is the agency responsible for Native American graves protection and repatriation for the State of Utah and the tribes located in the State of Utah, which has participated in the consultation and has been invited to be party to this Memorandum of Agreement; and

**WHEREAS**, the consulting parties have considered the applicable requirements of the Utah Native American Graves Protection and Repatriation Act of 1992 (U.C.A. 9-9-401, et seq., hereinafter called NAGPRA, and its implementing Rule R230-1), and the Utah Code 76-9-704, in the course of consultation; and

**WHEREAS**, the parties to this agreement recognize that every reasonable effort should be made to protect, from possible harm by the project, Traditional Cultural Properties it is incumbent upon the tribes, or such interested party(ies), to identify any TCP's believed to exist within the project APE.

**WHEREAS**, the definitions given in Appendix B are applicable throughout this Memorandum of Agreement; and

**NOW, THEREFORE**, the FHWA, the Utah SHPO, and the Council agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of Legacy Parkway Project on historic properties.

### STIPULATIONS

The FHWA, shall ensure that the following measures are carried out:

**I. MITIGATION OF PROJECT IMPACTS TO KNOWN SITES: 42DV2, 42DV70, and 10N 650 W. Clark Lane Farmington, Utah.**

**A. Historic Structures**

The UDOT, or its consultant will complete a Full Utah Intensive Level Survey Form (ILS) form for each eligible and contributory structure.

1. Photographs: Photographs are required of all buildings or structures on the property at 10N 650 W. Clark Lane Farmington, Utah.. This means at least one photograph of all elevations, of professional quality black/white 35 millimeter photographs (3x5 prints with accompanying negatives) to show all exterior elevations (where possible to obtain all elevations), the street scape, and detailed photographs of all areas to be impacted by the adverse effect. Photographs of exterior architectural trim/decorations shall be

submitted. Photographs shall be numbered and labeled with address (street and city) and date the photograph was taken, and keyed to a site plan and floor plan. All prints and negatives shall be submitted in archival quality protective storage pages.

2. Drawings: Sketch floor plans of all eligible buildings on the properties at 10N 650 W. Clark Lane Farmington, Utah shall be submitted. The plans must be based on an accurate footprint (e.g., Sanborn maps, tax card drawings, or measurements taken on site) and show all existing construction. Rooms shall be labeled by use. These non-measured drawings are to be on 8.5 " x 11 " or 11 " x 17" sheets. A site sketch plan showing subject buildings and all out buildings is also required.
3. Research Materials: A legible photocopy of the entire historic tax card of the property and a 5x7 inch black and white, 35mm print and negative of the historic tax card photo shall be submitted. Label and submit print and negative as described above.
4. Repository: All materials shall be submitted to the Division of State History, Historic Preservation Office to be placed on file.

#### **B. Archaeological Sites**

1. Data recovery: The FHWA shall ensure that a data recovery plan is developed in consultation with the SHPO for the recovery of archeological data from 42DV2, and 42DV70. The plan shall be consistent with the Secretary of the Interior's Standards and Guidelines for Archeological Documentation (48 FR 44734-37) and take into account the Council's publication, Treatment of Archeological Properties (Advisory Council on Historic Preservation, 1980), subject to any pertinent revisions the Council may make in the publication prior to completion of the data recovery plan and to relevant SHPO or other guidance. It shall specify, at a minimum:
  - a. the research questions to be addressed through the data recovery, with an explanation of their relevance and importance;
  - b. the methods to be used, with an explanation of their relevance to the research questions;
  - c. the methods to be used in analysis, data management, and

- dissemination of data, including a schedule;
  - d. the proposed disposition of recovered materials and records;
  - e. proposed methods for involving the interested public in the data recovery;
  - f. proposed methods for disseminating results of the work to the interested public;
  - g. proposed methods by which the tribes or other interested parties will be kept informed of the work and afforded the opportunity to participate;
  - h. a proposed schedule for the submission of progress reports to the SHPO, the Council, and the tribes at their request; and
  - i. The data recovery plan shall be submitted by the UDOT to the SHPO, and also to the tribes at their request, for 30 days review. Unless these parties object within 30 days after receipt of the plan, the FHWA through the UDOT shall ensure that it is implemented.
- C. Reporting: The FHWA shall ensure that any/all reports on activities carried out pursuant to this agreement are provided to the SHPO, the Council, and upon request, to the Tribes or any other interested parties, following completion of the activities stipulated in the agreement.
- D. Personnel Qualifications: The FHWA shall ensure that all historic work carried out pursuant to this agreement is completed by or under the direct supervision of a person or persons meeting or exceeding the Secretary of interior's Standards for History or Archaeology as appropriate (36 CFR 61 Appendix A).

## II. THE PLAN OF ACTION FOR INADVERTENT DISCOVERY OF CULTURAL RESOURCES

The UDOT has developed a plan of action in consultation with the Tribes and SHPO regarding inadvertent discovery, of historic properties potentially eligible to the NRHP. The plan detailed below describes

coordinating efforts among UDOT, the Tribes, and USHPO; assessment of effects to historic properties (not affecting Utah NAGPRA related issues); inventory and evaluation process; treatment of TCPs, identified within the APE and mitigation strategies.

A. In the Event that cultural resources are discovered:

1. work will stop in the immediate area of the discovery in accordance with UDOT Standard Specification 104.15 as detailed in Appendix D. The UDOT will notify the parties to the Agreement.
2. The discovered resources will be evaluated for NRHP eligibility.
  - a. The UDOT will initiate internal coordination with their contractor.
    - (1) Designated contractor will prepare draft inventory reports and recommendations regarding the NRHP eligibility of identified properties.
    - (2) Content and scope of Draft and final report(s) on the results of the evaluation studies will follow state guidelines as found in the UDOT's Consultant Guidelines.
  - b. In consultation with USHPO, the UDOT will apply the NRHP criteria (36 CFR 60.4) to all archaeological cultural resources discovered during the project with regard to their potential for inclusion in the NRHP. This evaluation shall take into account the guidance found in all applicable National Register Bulletins.
3. Determinations of effect will be made for all discovered NRHP eligible properties.
  - a. In situations affecting historic properties, application of the criteria of effect and adverse effect described in 36 CFR 800.9 (a) and (b) will be implemented.
  - b. A Determination of Eligibility and Finding of Effect (DOE-FOE) will be submitted to the USHPO and to the Tribes along with appropriate documents relative to the stipulations of this Agreement.



#### 4. Treating Effects

- a. If the undertaking might affect historic properties as defined by 36 CFR 800.2 (e), the UDOT, will develop site specific treatment plans to minimize or mitigate the effects of the historic properties located within the area of the discovery in coordination with the USHPO, the Tribes, and other interested parties as follows:
  - (1) Human remains and the associated cultural items will be treated in accordance with the Utah NAGPRA (See Appendix C of this Agreement).
  - (2) The preferred alternative to mitigation is avoidance of impact to historic properties.
  - (3) Project redesign will be implemented when technically, economically, and environmentally feasible, to avoid the placement of the facility, or related construction activities in a manner that may affect historic properties.
  - (4) Development of site-specific mitigation plans/strategies for individual areas of effect will include:
    - (a) full analysis and documentation of the materials and data resulting from the studies according to a Research Design drafted in consultation with the SHPO.
    - (b) Submission of appropriate documents relative to the stipulations of this Agreement to the USHPO and to the Tribes.
    - (c) All properties identified during the inventory will be recorded or updated on Utah cultural resources inventory forms. Inventories completed after the initial scope of work is completed will follow the stipulations established in this document. All site documents, except as noted in Section III E,

will be included with each report as a detached appendix that is not available for public distribution in accordance with this Agreement and other statutory obligations including ARPA (43 CFR 7.18).

### III. ADMINISTRATIVE STIPULATIONS

#### A. Changes in the undertaking.

1. Changes in the Project will not relieve the UDOT of the responsibility of completing resource evaluations.
2. If, during the Project planning or implementation, modification and/or changes in the undertaking are proposed in ancillary areas that have not been previously inventoried for historic properties, the UDOT shall ensure that the area is inventoried and that historic properties are evaluated in a manner consistent with the inventory, evaluation, and standards identified in this Agreement. The UDOT will prepare a draft report(s) of the inventory results and submit said document(s) to the parties of this Agreement for review and comment. A final report incorporating the comments of the said parties will be prepared. Final reports will be provided to the parties of this Agreement.
3. The applicable Research Design shall be modified or appended, as appropriate by the contractor (s) under the direction of the UDOT, in consultation with USHPO, to incorporate treatment and management measures for previously unevaluated historic properties consistent with the Agreement. The Tribes may request participation to review and comment on the Research Design upon written notice to the UDOT.
4. The parties to this Agreement shall be afforded an opportunity to comment within 30 days on documents prepared in response to revisions to the undertaking.

#### B. Tribal Consultation Process

Tribal Consultation will occur between the UDOT and the Tribes throughout the project. In general, consultation will take place on two levels: Technical Interaction and Formal Government to Government

#### Consultation.

1. Technical Interaction. This means coordination between the technical staff of the parties to this Agreement. Such interaction may occur through communication by informal means, i.e. telephone conversations, etc. and/or formal interaction and correspondence. This level also may include seeking advice and opinion from other governmental agencies that share an interest or responsibility.
2. Formal Government to Government Consultation. Government to Government Consultation is considered consultation by definition. This involves interaction and communication between the policy/decision maker representatives of the parties to this Agreement, such as the UDOT, USHPO, ACHP, the Utah Division of Indian Affairs, and the respective Tribes. This process will be initiated by formal correspondence/notification as required by Utah NAGPRA or other applicable laws. At this point, after formal notification, the technical staff shall advise the government level representatives of the issue and make recommendations toward a viable decision/resolution.

#### C. Traditional Cultural Properties (TCP's)

1. If a TCP is identified to the UDOT, the UDOT and/or its contractor shall immediately secure the identified site from any potential impacts and notify the SHPO of such TCP. SHPO notification will occur within 1 working day. The UDOT and/or its contractor shall make an initial determination of possible effect to the identified TCP, and take reasonable steps to protect the TCP. Consultation with the affected tribal interest will be initiated. At the discretion of the UDOT and the party that identified the TCP, a formal consultation process, as described in section III B, may be utilized in this effort. If a dispute results, the Dispute Resolution described in section III G will be initiated.
2. In accordance with Section III A(5), if the party identifying the TCP provides the UDOT with a written request to safeguard the confidentiality of the identified TCP, the UDOT will make every reasonable effort to protect the confidentiality of the identified TCP.

#### D. Curation

1. Cultural material (artifact) curation. Upon discovery and gathering of cultural items within the Project APE, exclusive of Utah NAGPRA items as defined by that act, the UDOT will ensure that the items will be placed in an appropriate repository facility as described in 36 CFR 79.
2. Reporting and documentation curation. Upon the UDOT finalizing the documentation of the Project, all reports and documentation will accompany the cultural material consistent with the provisions described in 36 CFR 79. Upon written request of the Tribes, a copy of said documentation shall be provided for the tribal archives.
3. The cultural material, records, and other material resulting from the implementation of this Agreement and the Project will be subject to the provisions of the Freedom of Information Act, unless otherwise specified within this Agreement.

E. Confidential Safeguards

In accordance with 36 CFR 79 AND Section 304 of the National Historic Preservation Act, all applicable information will be safeguarded and not provided to the general public.

F. Public Participation

1. The UDOT will afford interested parties with an adequate opportunity to receive information and to express their views regarding the Project. Public notice will be coordinated through NEPA as articulated in 23 CFR 771.

G. Dispute Resolution

1. Should the USHPO, the tribes, or DIA, or the Council, object within 30 days to any documentation provided for review pursuant to this agreement, the UDOT shall consult with the objecting party to resolve the objection. If the UDOT determines that the objection cannot be resolved, the UDOT shall request the further comments of the Council pursuant to 36 CFR § 800.6(b). Any Council comment provided in response to such a request will be taken into account by the UDOT in accordance with 36 CFR § 800.6(c)(2) with reference only to the subject of the dispute; the UDOT 's

responsibility to carry out all actions under this agreement that are not the subjects of the dispute will remain unchanged.

2. The Utah Division of Indian Affairs State NAGPRA Review Committee will arbitrate disputes relative to Utah NAGPRA in accordance with U.C.A. 9-9-405 (3)(c), if consultation fails to resolve the dispute.

#### H. Time Frames

1. Document Review. Unless otherwise stated, document review shall be 30 days following receipt of said document submitted for review. The UDOT may assume failure of any party to respond within 30 days indicates their concurrence.
2. Amendment. The UDOT will provide copies of written request(s) for amendment from any signatory party to all other signature parties within 3 days, and the parties agree to begin discussions regarding proposed amendments immediately.

#### I. Amendments

1. Any signature party to this Agreement may request an amendment (s), whereupon the other signature parties will consult to consider such amendment(s).
2. Any proposed amendment to this Agreement must be submitted to the UDOT in writing, with an explanation as to the reasoning for the requested change. The UDOT will initiate consultation with the signature parties for their consideration of the proposed amendment(s) under the time provisions as set forth in III Section H2.

#### J. Monitoring

1. A monitoring plan will be included in the Research Design(s). Project monitoring will ensure all parties to this Agreement that the activities and provisions of this Agreement are in compliance. Monitoring will also ensure that all parties to this Agreement will have oversight and updates to the Project as the Project commences.
2. After completion of the fieldwork component of the data recovery

provided for in Section I, the UDOT will ensure that particular care is taken during construction to avoid affecting any other archeological remains that may be associated with the sites recorded during the initial survey. Restrictions on construction work in all areas not previously cleared in the original Determination of Eligibility and Finding of Effect will be accomplished by erection of a temporary fence and flagging as necessary. Suitable arrangements for archeological monitoring, and any additional survey deemed necessary, will be made in consultation with the SHPO prior to construction in the APE. An archeologist meeting the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9) will monitor the construction activities. The Tribes will be invited to assist in the monitoring in conjunction with the authorized archaeologist. At a minimum, such monitoring will include recording and reporting of major features or artifact concentrations uncovered, and recovery and curation of a sample of uncovered remains where practicable.

Execution of this Memorandum of Agreement and implementation of its terms evidence that the FHWA has afforded the Council an opportunity to comment on the Legacy Parkway Project and its effects on historic properties, and that FHWA has taken into account the effects of the undertaking on historic properties.

ADVISORY COUNCIL  
ON HISTORIC PRESERVATION

By: Bernice M. Brown for John M. Fowler  
John M. Fowler, Executive Director

Date: 6-21-00

FEDERAL HIGHWAYS ADMINISTRATION

By: David C. Gibbs  
David C. Gibbs, P.E., Division Administrator

Date: 5/22/00

UTAH STATE HISTORIC PRESERVATION  
OFFICER

By: Max J. Evans  
Max J. Evans, Utah SHPO

Date: 3/15/2000

UTAH DEPARTMENT OF TRANSPORTATION

By: Thomas R. Warne  
Thomas R. Warne, Executive Director

Date: 2-24-00

UTAH DIVISION OF INDIAN AFFAIRS

By: Forrest S. Cuch  
Forrest S. Cuch, Director

Date: 5-11-00

Concur:

THE NORTHWEST BAND OF SHOSHONI OF  
IDAHO AND UTAH

By: Gwen T. Davis  
Gwen T. Davis, Chairman

Date: 3-31-2000

THE SHOSHONE BANNOCK TRIBES

By: \_\_\_\_\_  
Duane Thompson, Chairman

Date: \_\_\_\_\_

THE UTE INDIAN TRIBE (OF THE UINTAH-  
Ouray AGENCY)

By: \_\_\_\_\_  
Roland McCook, Chairman

Date: \_\_\_\_\_

CONFEDERATED TRIBES OF THE  
GOSHUTE (IBAPAH)

By: \_\_\_\_\_  
David Pete, Chairman

Date: \_\_\_\_\_

SKULL VALLEY GOSHUTE TRIBE

By: \_\_\_\_\_  
Leon Bear, Chairman

Date: \_\_\_\_\_

## APPENDIX B - DEFINITIONS

**“Area of Potential Effects”** (APE) is defined as geographic area within which an undertaking and/or connected action may cause changes in the character or use of heritage resource properties. Although treatment of properties may vary with land status, the area of potential effects was determined without regard for land status and includes both state and private lands as delineated in (Exhibit A). In defining the area of potential effect, the UDOT included all lands potentially affected by the proposed project within a thousand foot (1000') wide corridor between the I-215 interchange and Burton Lane north of Farmington.

**“Associated Funerary items”** are defined as items that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later, with or near individual human remains.

**“Data Recovery Plan”** is a planning document that provides details for the recovery of information from historic properties on a site by site basis. Data recovery is a specific form of treatment usually associated with 36 CFR 60.4, Criterion D.

**“Day”** is defined as calendar day throughout this document.

**“Discovery Situation”** is an occurrence whereby human remains or an historic property are identified as a result of the process described in the Monitoring Plan, or during construction.

**The Legacy/West Davis Highway Research Design (Research Design)** is a planning document that is consistent with State and Federal technical standards which produces reliable, understandable and up-to-date information for decision making related to the identification, evaluation, and protection/treatment of historic properties and traditional cultural properties.

**“Historic Property”** is any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP. This term includes artifacts, records, and remains related to or located within such properties. This term also includes properties associated with traditional life-way values when such values are considered eligible for inclusion in the National Register. For the purposes of this agreement, a traditional life-way value must be associated with a definite location.



**"Interested Parties"** are defined as those organizations and individuals that are concerned with the effect of an undertaking on historic properties as defined in 36 CFR 800.5 (e)(1).

**"Monitoring Plan"** identifies the methods for assuring that historic properties discovered during the land disturbance activities of an undertaking will be subject to the provisions of the Agreement. This planning document is incorporated into the Research design.

**"National Register of Historic Places"** (NRHP) refers to the national register of districts, sites, buildings, structures, and objects significant in history, architecture, archaeology, engineering and culture. The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of interior to amend and maintain this register.

**"Objects of cultural patrimony"** means items having ongoing historical, traditional, or cultural importance central to the Indian tribe itself.

**"Traditional Cultural Property"** (TCP) is defined generally as one that is eligible for inclusion in the NRHP because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community. For the purposes of this agreement the communities or social groups are the Northwest Band of Shoshone of Idaho and Utah, the Shoshoni Bannock Tribes, and The Ute Indian Tribe (Of the Uintah-Ouray Agency), and Confederated Tribes of the Goshute (Ibapah), individually or collectively.

**"UDOT"** ( the Utah Department of Transportation) is the agency responsible for the project and is the lead agency for purposes of compliance with the terms and regulations stipulated in this agreement as designated by the Federal Highway Administration, Utah Division (FHWA)

**"Tribe(s)"** is defined as The Northwest Band of Shoshone of Idaho and Utah, The Ute Indian Tribe (Of the Uintah-Ouray Agency) Confederated Tribes of the Goshute (Ibapah) and Skull Valley Goshute Tribe, and the Shoshone Bannock Tribes of Idaho. Although the collective term "Tribe" is applied within this agreement, each Tribe which participated in the consultation and concurs in this agreement, and will be notified individually for any and all actions described.

## APPENDIX C

### I. IMPLEMENTING UTAH NAGPRA U.C.A. 9-9-401 *et. seq.* AND ITS IMPLEMENTING RULE R230-1 AND UTAH CODE 76-9-704 ABUSE OR DESECRATION OF A DEAD HUMAN BODY

#### A. Purpose:

1. Purpose: The Parties to the Agreement intend to respect and be sensitive to the cultural perspectives and responsibilities, the religious and ceremonial rights, and sacred practices of the Tribes in fulfilling tribal interests in the discovery of Utah NAGPRA related items identified during the Project.

#### B. Objectives:

1. To implement the legislative provisions of Utah law specifically, U.C.A. 76-9-704 and 9-9-401 *et. seq.* within the intent of such legislation.
2. To implement legal requirements, while respecting and maintaining the dignity of the individual and the Utah NAGPRA related cultural items potentially discovered during the Project's construction, and in conjunction with the best interests of, the UDOT, the SHPO, and the Tribes.
3. To facilitate UDOT compliance with Utah NAGPRA, respective to decisions that must be made, and actions taken, regarding curation, disposition, re interment, data recovery, consultation and notification, and treatment, of human remains and cultural items as defined by Utah NAGPRA.
4. To provide guidance for UDOT construction personnel regarding the discovery and notification process upon location of human remains and cultural items as defined by Utah NAGPRA

C. Implementation of Objectives:

1. The UDOT will provide the construction personnel supervisors with a set of procedures to be followed in the event of an inadvertent discovery of human remains as detailed in Figure 1 of this Appendix.
2. In accordance with UDOT Standard Specification 104.15 (Appendix D), upon discovery of human remains (including cultural items as defined by Utah NAGPRA), construction activities within the immediate area of discovery shall cease, the site will be secured, and notification of law enforcement, Division of Indian Affairs and USHPO Antiquities Section as required by U.C.A.9-9-403, and U.C.A. 76-9-704, will commence immediately.
  - (1) If the site is determined not to contain Native American remains, UDOT will advise the Tribes of such determination. Work will resume at the direction of the UDOT archaeologist.
  - (2) If the site is determined to contain Native American remains, UDOT will provide notification to the Tribes according to the consultation and notification procedures outlined in section III B (1) of this agreement and applicable requirements of Utah NAGPRA [9-9-403(4)b and R-230-1-6(4)].
3. At such time a discovery of human remains is made and construction ceases in the area of the discovery, and having satisfied the requirements of U.C.A. 76-9-704:
  - a. If the remains are in immediate danger of harm, or in the event that construction could not move, they will be excavated in accordance with R-230-1-7(1)a. All records and documentation will be afforded as much confidentiality as desired by the tribes and allowable by such laws and regulations as apply according to Stipulation E III.

- b. If the site at which the remains are located can remain intact and free from immediate harm, the site will be secured and a preservation plan will be implemented according to R-230-1-7-1.
- 4. Any excavated Native American remains will remain in the custody of the UDOT or its consultant pending consultation and determination of ownership.
- 5. The repatriation of the individual will be consistent with, Utah NAGPRA [9-9-403 and R-230-1-13 et. seq.].

## II. GENERAL PROVISIONS:

- A. Dispute Resolution: Disputes on non Utah NAGPRA related issues will be resolved according to the dispute resolution procedures as described in the Agreement Section III G. The Utah NAGPRA Review Committee will resolve all Utah NAGPRA related disputes.
- B. Treatment of Utah NAGPRA related items and human remains:
  - 1. Human Remains
    - a. Any and all human remains that have been damaged or removed due to construction activity will be immediately returned to accompany the remains still present in the site.
  - 2. Associated Funerary Items/Items of Cultural Patrimony
    - a. Unless otherwise identified, Associated Funerary Items/Items of Cultural Patrimony found near or about the discovery of human remains will be immediately returned to accompany the human remains. Associated Funerary items are defined as items that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later, with or near individual human remains. Objects of cultural patrimony means items having ongoing historical, traditional, or cultural importance central to the Indian tribe itself. If they are so identified,

documentation of these materials will be included in the reports as funerary objects and/or items of cultural patrimony.

# Legacy Parkway Project

## Procedure for Implementing Utah NAGPRA and Section 106

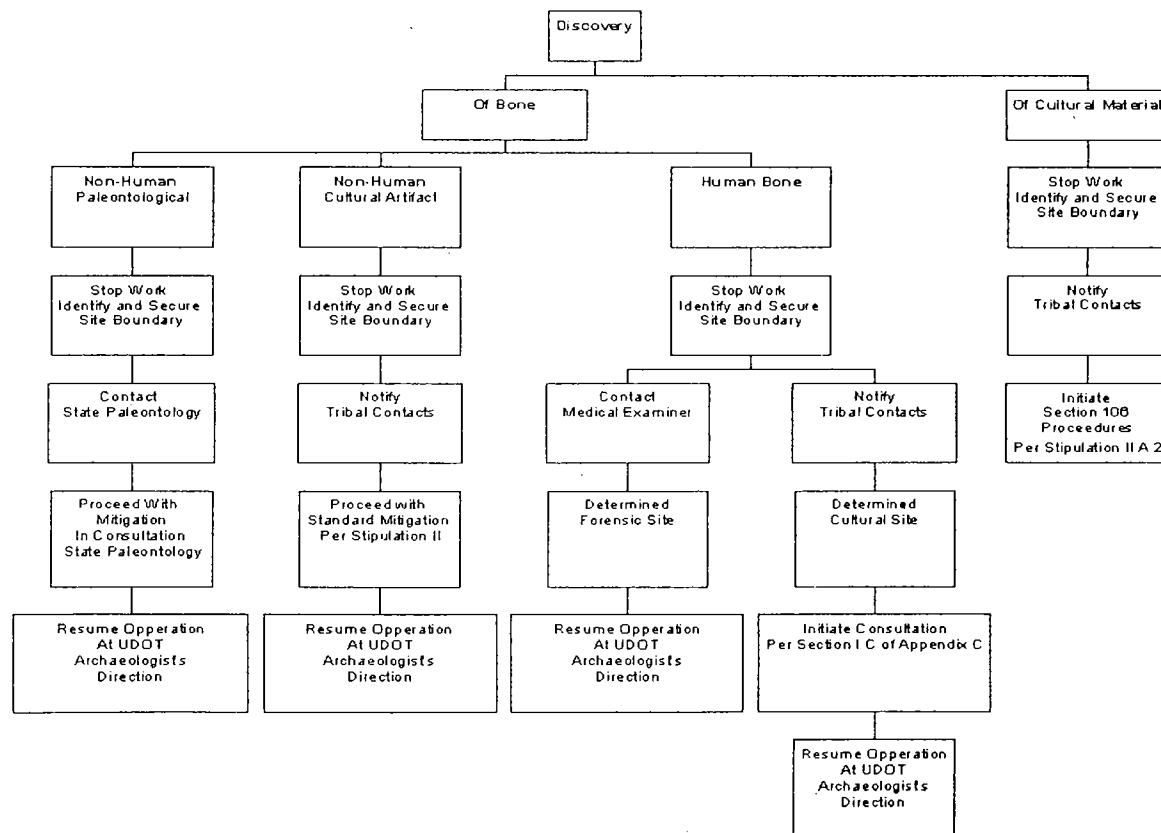


Figure 2. Outline of UDOT Discovery Procedure.

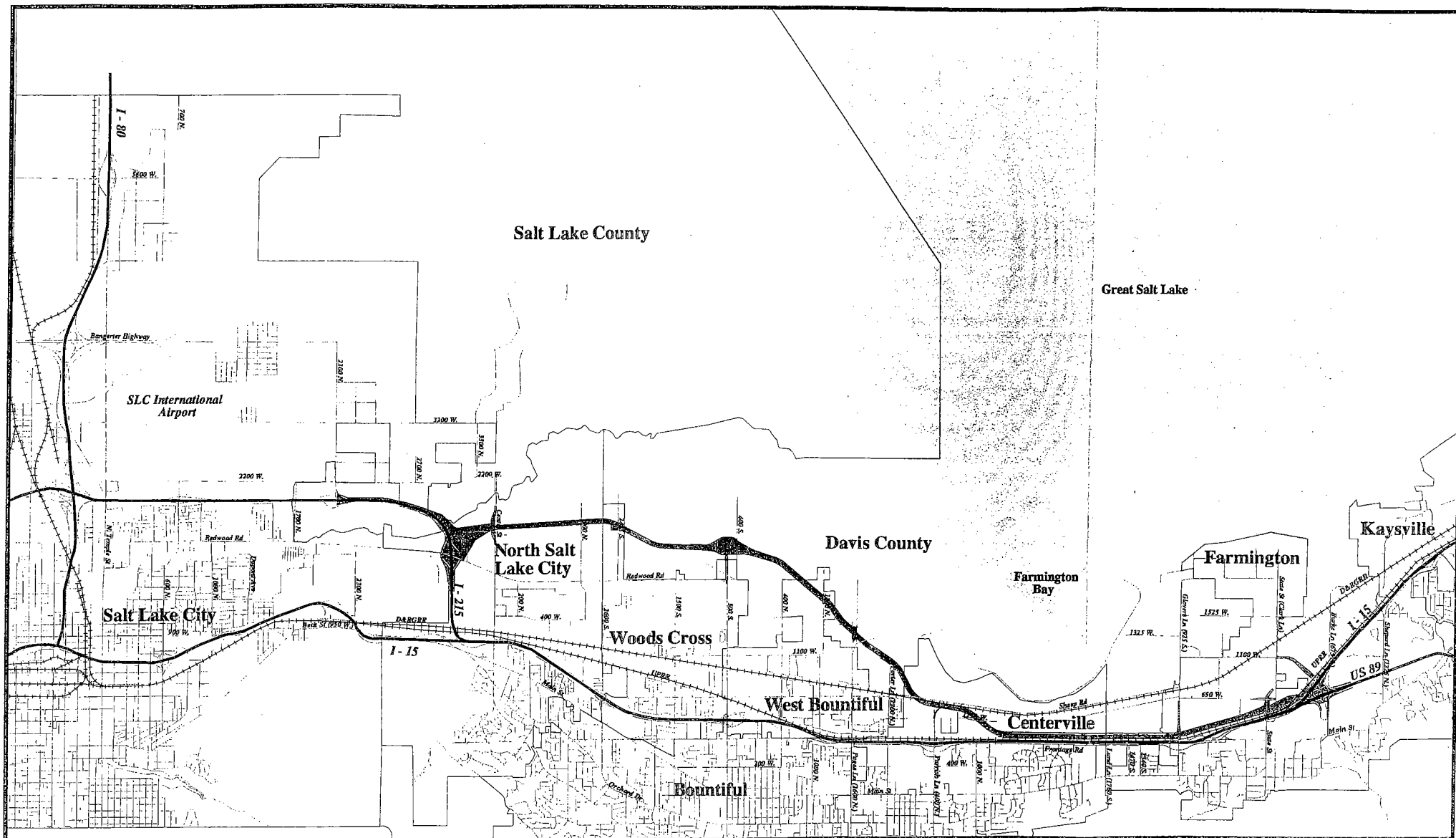
## APPENDIX D

### UDOT STANDARD SPECIFICATION FOR DISCOVERY OF HISTORIC, ARCHEOLOGICAL OR PALEONTOLOGICAL OBJECTS

#### **104.15 Discovery of Historic, Archeological or Paleontological Objects:**

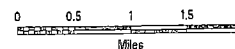
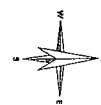
If a suspected historic, archeological or paleontological item, feature, or site is encountered, construction operations shall be immediately stopped in the vicinity of the discovery and the ENGINEER shall be verbally notified of the nature and exact location of the findings. The CONTRACTOR shall not damage the discovered objects and shall provide written confirmation of the discovery to the ENGINEER within 2 calendar days.

After operations in the vicinity of the discovery have been restricted, the ENGINEER will keep the CONTRACTOR informed concerning the status of the restriction. The CONTRACTOR should be aware that the time necessary for the DEPARTMENT to handle the discovered item, feature, or site is variable and is dependent on the nature and condition of the discovered item, feature, or site. It is possible that a delay of as much as 2 weeks in the vicinity of the discovery can be expected. The ENGINEER will inform the CONTRACTOR when the restriction is terminated, with written confirmation following within 2 calendar days. If a changed condition is approved, it will be controlled in accordance with Subsection 104.2: Differing Site Conditions.



# **LEGEND**

- Preferred Alternative
- Rail
- Jurisdiction Boundary
- Major Road
- Secondary Road



## **Appendix A** **AREA OF POTENTIAL EFFECT** **Legacy Parkway Preferred Alternative** **Section 106 Memorandum of Agreement**







State of Utah  
DEPARTMENT OF TRANSPORTATION

FILE COPY

Michael O. Leavitt  
Governor  
Thomas R. Warne  
Executive Director  
John R. Njord  
Deputy Director

Ahmad O. Jaber, Director  
Region One  
169 North Wall Avenue  
P.O. Box 12580  
Ogden, UT 84412-2580  
801-399-5921  
FAX: 801-399-5926  
www.sr.ex.state.ut.us/r1

Commission  
Glen E. Brown  
Chairman  
James G. Larkin  
Hal M. Clyde  
Stephen M. Bodily  
Jan C. Wells  
Bevan K. Wilson  
Kenneth L. Warnick

February 21, 2001

Ms. Barbara L. Murphy  
Preservation Planner  
State Historic Preservation Office  
300 Rio Grande  
Salt Lake City, UT 84101-1182

RE: Project No. SP-0067(1)0: Legacy Parkway. Salt Lake and Davis Counties, Utah.  
Case #: 97-0375

Submission of ILS Documentation for 650 West State Street  
Farmington

Dear Ms. Murphy

In accordance with the MOA for the Legacy Parkway Project, please find enclosed an ILS package for 650 West State Street Farmington a property which will be adversely affected by the project.

Thank you for your efforts on our behalf. If you have any questions, please call me at 399-5921 ext. 371.

Sincerely,

Christopher Lizotte, M.A.  
Preservation Specialist  
Region One

enclosure

cc: w/o enclosure

Byron Parker, P.E., Legacy Team

Vince Izzo, P.E., HDR Engineering, Inc.

Asa Nielson Baseline Data Inc. 789 East Bamberger Hwy. American Fork 84003





# State of Utah

Department of Community and Economic Development  
Division of State History  
Utah State Historical Society



Michael O. Leavitt  
Governor  
Max J. Evans  
Director

300 Rio Grande  
Salt Lake City, Utah 84101-1182  
(801) 533-3500 FAX: 533-3503 TDD: 533-3502  
ushs@history.state.ut.us http://history.utah.org

March 8, 2001

Christopher Lizotte, M.A.  
Preservation Specialist  
Region One  
Utah Department of Transportation  
169 North Wall Avenue  
P.O. Box 12580  
Ogden UT 84412-2580

RE: Project No. SP-0067(1)0: Legacy Parkway - ILS Documentation for 650 West State Street,  
Farmington

In Reply Please Refer to Case No. 97-0375

Dear Mr. Lizotte:

Thank you for the submission of the documentation specified in the Memorandum of Agreement  
for the above referenced project. These materials will be placed on file in the Preservation  
Office of the Division of State History.

This information is provided to assist with Section 106 responsibilities pursuant to §36CFR800.  
If you have questions, please contact me at (801) 533-3563. My email address is:  
bmurphy@history.state.ut.us

Sincerely,

for  
Barbara L. Murphy  
Preservation Planner  
State Historic Preservation Office

BLM:97-0375 DOT



(2) inches per second.

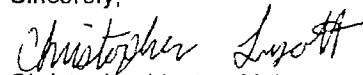
Consistent with normal Department practices, UDOT has monitored haul route traffic along the entire corridor for potential vibration impacts from haul trucks. This was accomplished by setting up seismic monitors along the project haul routes, including areas with historic structures (Attachment 1 and 3). The monitors were placed immediately behind the curb of the road approximately 20 to 30 feet from the residences along the route. The monitors were placed at the curb next to the road to detect the highest possible vibration level. Monitors on this route were operating over several days for a 2 hour period at each location during which time trucks, including Legacy Parkway haul trucks, were tracked (Attachments 2 and 4). In order to test the possibility of vibration damage to structures, Jerry set up his monitor at a setting of .15 in/sec. Vibration was so low, he could not get a reading, even at this lower setting and even in such close proximity to the vibration source.

Results of the monitoring showed that none of the seismic monitors registering any vibration at the curb that exceeded the conservative threshold level we established (.15 inches per second) at which the monitors were set to read. Therefore, the UDOT has determined that there will be **No Historic Properties Affected** from vibration associated with this material hauling operation.

Please note that this route is used by numerous other trucks, not associated with the Legacy Parkway. And UDOT also monitored noise associated with the truck haul route and found no increase from the FAK truck noise over the other traffic on the route.

Consistent with standard UDOT practices we will continue to monitor for project impacts. I will keep you informed of any findings if they occur. If you have any questions, please contact me at 399-5921 ext. 371.

Sincerely,



Christopher Lizotte, M.A.  
Archaeologist and NEPA Specialist  
Region One

I concur with the finding of **No Historic Properties Affected** from vibration associated with this material hauling operation on State Street Farmington, Davis County, Utah. Further, the UDOT has taken into account the effects of the proposed project on historical and archaeological resources, as required by Section 106 and U.C.A. 9-8-404.

---

Barbara L. Murphy, Preservation Planner

Date

CC:

Byron Parker, P.E. Legacy Parkway Team  
Vince Izzo, HDR Engineering, Inc.



Michael O. Leavitt  
Governor  
John R. Njord  
Executive Director  
Carlos M. Braceras  
Deputy Director

# State of Utah

## DEPARTMENT OF TRANSPORTATION

Ahmad O. Jaber, Director  
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[www.dot.state.ut.us/r1](http://www.dot.state.ut.us/r1)

SEP 24 2001  
10 10 AM

**Commission**  
Glen E. Brown  
Chairman  
James G. Larkin  
Hal M. Clyde  
Stephen M. Bodily  
Jan C. Wells  
Bevan K. Wilson  
Kenneth L. Warnick

September 20, 2001

Ms. Barbara L. Murphy  
Preservation Planner  
State Historic Preservation Office  
300 Rio Grande  
Salt Lake City, UT 84101-1182

RE: Case #: 97-0375 Legacy Parkway Haul Routes for Construction

Dear Ms. Murphy:

The Utah Department of Transportation (UDOT or Department) has started construction on the Legacy Parkway. The UDOT has considered the effects of this undertaking on any historic or archeological resources which could be eligible for the State or National Registers, and to afford the Utah State Historic Preservation Office (USHPO) an opportunity to comment on the undertaking and its effects, as outlined in U.C.A. 9-8-404. In addition, the UDOT is complying with Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulation, 36 CFR Part 800. This compliance is being conducted by UDOT on behalf of the Federal Highway Administration, Utah Division (FHWA). Please review this letter and the attached materials and, providing you agree with the finding contained herein, sign and date the signature line at the end of this letter.

The UDOT Contractor on the Legacy Parkway is a consortium of Fluor Daniel, Ames Construction, and Edward Kraemer and Sons (FAK), has identified a route to haul material from an existing commercial borrow site in Weber County to the Legacy Parkway. A notification regarding the haul route was provided to the public in the affected area at the end July 2001. Several comments were received from the public regarding potential impacts to historic structures along the haul route from vibration caused by the haul trucks.

The requirements for haul routes are identified in the contract between the Department and FAK. In July, FAK identified this particular haul road based on the limitations placed on them in the contract. The requirements include the need to minimize impacts to motorists, and to avoid congested areas around the Lagoon Amusement Park, during its peak operating season.

A key limitation in the contract requires FAK to limit their operations to State Roads, to avoid impacts to municipal roads not designed for truck traffic. Both State and Main Streets in Farmington are State Routes, regularly traveled by heavy trucks. And unlike other non-UDOT, non-project trucks on these roads, project trucks are weighed to insure no over-load violations. And the travel speed of the project trucks along this haul route is also monitored. These steps help to limit truck vibration and noise.

The possibility of vibration damage to structures is not a new issue to UDOT. UDOT regularly monitors vibration impacts at adjacent structures during the course of construction. UDOT employs a full time seismic operator, Jerry Ryan to monitor vibration effects. There are no mandated national or FHWA standards for vibration. Jerry and many FHWA people rely on research funded by the United States Department of Transportation. That research claims that in most soils, the *possibility* of architectural damage from traffic does not start until vibration reaches about .2 inches per second. And although plaster cracks have been recognized as low as .2 in/sec., actual damage is not to be expected until the vibration reaches a full two



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Division of State History  
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October 19, 2001

Christopher Lizotte, M.A.  
Archaeologist and NEPA Specialist  
Region One  
Utah Department of Transportation  
169 North Wall Avenue  
P.O. Box 122580  
Ogden UT 84412-2580

RE: Legacy Parkway Haul Routes for Construction

In Reply Please Refer to Case No. 97-0375

Dear Mr. Lizotte:

There are a number of issues we would like to address regarding the haul route through Farmington for the Legacy Parkway project. Many of these issues have been raised by residents of Farmington who have expressed deep concern about the affect of this particular undertaking and of future activities related to the parkway project.

As you are aware, the "undertaking" of intensive hauling of material for the Legacy Parkway along State and Main Streets in Farmington, where a number of historic properties exist, was well underway before consultation was initiated with our office. This precluded any ability on our part or on the part of consulting parties to participate in the discussion of avoidance through the use of other routes or in the exploration of mitigation options.

The vibration study conducted by UDOT a few weeks after the trucks were rolling was a sincere attempt on the part of UDOT to determine the vibration effects of this undertaking. However, the methodology and standards used in this study may not be appropriate for the resources involved. These historic buildings, constructed primarily in the late nineteenth century of unreinforced masonry, are far more vulnerable to vibrations than new buildings would be. Instead of the 0.2 inches per second standard that has been used as a benchmark for possible damage to new buildings, some experts, including the German Institute of Standards, have recommended 0.08 in/sec for historic structures *in good condition*. The UDOT vibration study apparently did not take into account the condition and characteristics (height, footprint, materials, etc.) of the buildings. Nor did it conduct any measurements on the buildings



themselves, as vibration studies conducted in other states have done, in order to more accurately measure the potential "whipping action" created on the buildings by the ground movement. The issues involved with road vibrations seem to be more complex than what this study addressed.

We are concerned that your letter of September 20, 2001, does not address future hauls along this route or hauls along other routes during the course of the construction project. We are aware of at least one other historic district near the parkway corridor (along Onion Street in West Bountiful), and, depending on which haul routes might be selected, numerous other historic properties might be affected. We would like there to be a clear understanding among all parties about how the routes will be selected and how impacts might be avoided or mitigated.

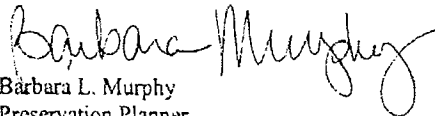
We are also concerned about other construction activities that have not been addressed in either your September 20 letter or in the MOA that was signed for this project. For example, the proposed demolition and reconstruction of the State Street overpass would likely create much greater ground vibrations than those generated by the haul. As a result, it is very likely that historic buildings in the Clark Lane Historic District, especially those on the west end of the district, would be adversely affected.

Due to the extent and complexity of this overall project we feel that it is appropriate to amend the existing MOA to include undertakings that were overlooked and potential issues that might yet surface. This will ensure that the project is in full compliance with both Section 106 of the National Historic Preservation Act and U.C.A. 9-8-404.

We look forward to working with you on an amended MOA that will address the full range of issues involved with this project.

This information is provided to assist with Section 106 responsibilities as specified in §36CFR800. If you have questions, please contact Roger Roper at (801) 533-3561 or myself at (801) 533-3563. My email address is: [bmurphy@history.state.ut.us](mailto:bmurphy@history.state.ut.us)

Sincerely,



Barbara L. Murphy  
Preservation Planner  
State Historic Preservation Office

BLM:97-0375

August 9, 2002

Mr. Max Forbush  
City Manager  
Farmington City  
130 North Main  
P.O. Box 160  
Farmington City, Utah 84025-0160

Re: Roundabout at the Intersection of 650 West and State Street  
Equestrian Trail Termination at 650 West

Dear Max,

The Legacy Parkway design team recently met with Horrocks Engineers to discuss the roundabout the City desires at the intersection of 650 West and State Street. After reviewing the design information provided by Horrocks it appears the roundabout can be incorporated into our design at this location without requiring additional right-of-way or causing major conflicts with utility relocations. If this change is to be incorporated into the Legacy Parkway project UDOT will need to issue a changeorder to FAK on the Legacy Parkway contract, because this is a change to the scope of work and FAK has completed much of the required design in this area.

UDOT will need written verification of the following items should Farmington City desire UDOT issue a changeorder to FAK for the roundabout at the intersection of 650 West and State Street:

1. Written notice from the City confirming their approval of a roundabout at this location.
2. Evidence the City has contacted the Whitakers and they approve of their property access within the roundabout.
3. Verification of the new narrower typical section required for State Street.
4. Acknowledgement that it will be the City's continual responsibility to maintain the roundabout.
5. Documentation of the design expenditures to Horrocks Engineers if the City desires reimbursement from UDOT for their services.

Farmington City's request for relocation of the equestrian trail termination from 650 West to Clark Lane will also be incorporated with the changeorder for the roundabout,